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VIA ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: M.B. et al. v. N.Y.C. Dep't of Educ. et al., 21-cv-7890 (JGK)(KHP)

Dear Judge Koeltl:

We represent Defendant New York City Department of Education (“DOE”) and the City of New York (collectively, “Defendants”), in the above-referenced action, wherein Plaintiffs seek, *inter alia*, compliance with underlying administrative orders, declaratory relief, injunctive relief, claims under 42 U.S.C. § 1983, and attorneys’ fees, costs, and expenses for legal work performed on the administrative proceedings, as well as for this action, pursuant to the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1400, et seq.

This letter is written in accordance with the Court’s Order on August 8, 2023 requiring a joint letter providing a status on settlement on or before October 2, 2023 [Dkt 58]. Previously a Stipulation and Order of Settlement and Dismissal were filed by the parties on August 2, 2023 [Dkt 56] and the substantive claims in this case were dismissed with prejudice. The Stipulation allowed the parties 90 days to resolve Plaintiff’s fee demand. After Plaintiffs provided updated billing records, Defendants provided an offer on September 28, 2023 and have memorialized that offer in a written offer dated October 2, 2023. While the parties are dedicated to reaching a settlement, we have reached an impasse.

There is currently no briefing schedule for Plaintiff’s fee application and we hope to alleviate the need to brief. Plaintiffs agree not to engage in briefing pending a settlement conference. We believe a settlement conference would be beneficial in potentially bringing this action to an end. Both parties are committed to making good faith efforts to settle this matter. Accordingly, we respectfully request that the Court refer this action for a settlement conference with the Hon. Katherine H. Parker at the Court’s convenience.

Yours, etc.,

s/Vivian Rivera Drohan
Vivian Rivera Drohan

Cc: Gina Decrescenzo, Esq.